

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

211

TA-723-2021 (O&M)

Date of decision: 10.09.2021

SUMAN

..Petitioner

Versus

ARUN

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. SS Nain, Advocate for the petitioner.
Mr. Suneet Pal Singh Aulakh, Advocate for the respondent.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

On 18.08.2021, the following order was passed:-

“This petition has been filed by the wife seeking the transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing case No.HMA/838/2021, titled as “Arun vs. Suman”, pending in the Court of Family Court, Gurugram to the Court of competent jurisdiction at Chandigarh.

The petitioner claims that she got married to the respondent on 18.11.2018. She claims that presently she is residing with her parents at Chandigarh and the distance between Gurugram to Chandigarh is more than 300 Kms. The petitioner further claims that she cannot properly defend the petition at Gurugram.

The learned counsel representing the petitioner places reliance on the following litigations pending in District Courts, Chandigarh:-

- (i) Under Section 12 of the Domestic Violence Act, 2005;
- (ii) Petition under Section 125 Cr.P.C., for maintenance
- (iii) Complaint in Mahila Police Station, Chandigarh.

The learned counsel contends that it will be very difficult for the petitioner to travel on each date of hearing.

Notice of motion for 03.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. Chanakya Sharma, at District Courts, Gurugram.

Dasti also.”

Learned counsel for the respondent has opposed the prayer for transfer. However, the facts noticed in the order dated 18.08.2021 are not disputed.

Keeping in view the aforesaid facts, the petition is allowed. The proceedings of HMA-838 of 2021 (Sh. Arun vs. Smt. Suman) pending in the Family Court, Gurugram, are ordered to be transferred to the Court of competent jurisdiction at Chandigarh. The transferor Court is requested to remit the case file to the transferee Court forthwith. The parties are directed to appear before the District Judge, Chandigarh, on 01.10.2021 who shall either decide the matter himself or assign it to the Court of competent jurisdiction at Chandigarh.

All the pending miscellaneous application(s), if any, are also disposed of.

10.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE